

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 HA-05 CIAE-00 DODE-00
PM-05 H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01
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R 171315Z MAR 78
FM AMCONSUL DURBAN
TO SECSTATE WASHDC 2868
INFO AMEMBASSY PRETORIA
AMCONSUL CAPE TOWN
AMCONSUL JOHANNESBURG
USMISSION GENEVA
AMEMBASSY LONDON

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CAPE TOWN ALSO FOR EMBASSY

EO 11652: NA
TAGS: PINT, PINS, SHUM, SF
SUBJ: HAFJEJEE INQUEST

REF: DURBAN 156

1. HAFJEJEE INQUEST ENDED MARCH 15 WITH A FINDING BY
MAGISTRATE T.L. BLUNDEN THAT HAFJEJEE'S DEATH WAS BY HANGING
AND THAT IT QUOTE WAS NOT BROUGHT ABOUT BY AN ACT OR OMISSION
AMOUNTING TO AN OFFENCE ON THE PART OF ANY PERSON, UNQUOTE.
THE MAGISTRATE ON THE OTHER HAND STATED THAT THOUGH THE
CONCLUSION WAS "INESCAPABLE" THAT HAFJEJEE COMMITTED SUICIDE,
SUCH A FINDING COULD NOT BE MADE IN TERMS OF THE INQUEST
ACT. THE RESULT THUS BECAME: HAFJEJED BY HANGING; NO
ONE WAS HELD TO BLAME; THE HANGING WAS PROBABLY BUT NOT
OFFICIALLY BY SUICIDE.

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2. IN HIS RULING THE MAGISTRATE STRESSED EVIDENCE LED BY
THE STATE (PARA 2, REFTL) IN SUPPORT OF THE CLAIM THAT HAFJEJEE
WAS A SUBVERSIVE WORKING ACTIVELY TO OVERTHROW THE SAG. (THIS
EVIDENCE WAS NOT CONTESTED BY THE DEFENCE OR HAFJEJEE'S FAMILY,
AND THE CONSENSUS OF JOURNALISTS WHO OBSERVED THE ENTIRE TRIAL
IS THAT HAFJEJEE PROBABLY WAS ENGAGED IN TTE ACTIVITY ALLEGED).
THIS PERMITTED THE MAGISTRATE TO NOTE THAT HAFJEJEE HAD A

STRONG MOTIVE IN DOING AWAY WITH HIMSELF, I.E. TO SAVE HIMSELF FROM FURTHER INTERROGATION OR TO SPARE OTHERS WHOM HE MIGHT IMPLICATE. THE MAGISTRATE ALSO CONCLUDED THAT THE POLICE COULD HAVE HAD LITTLE MOTIVE IN DOING AWAY WITH HAFEEJEE SINCE THEY WERE STILL INTERROGATING HIM AND HE WAS "WORTH MORE ALIVE THAN DEAD".

3. THE INQUEST PROVIDED NO CLARIFICATION REGARDING THE NUMEROUS WOUNDS ON HAFEEJEE'S BODY (REFTEL), EXCEPT TO FIND THAT NONE OF THEM CAUSED HIS DEATH. THE MAGISTRATE FOUND "PURELY SPECULATIVE" THE IDEA THAT THE WOUNDS WERE INFLICTED DURING AN OVER-ZEALOUS THIRD DEGREE BY THE POLICE. IN EDITORIAL COMMENT THE "DAILY NEWS" NOTED THAT THE INQUEST DID LITTLE TO ALLAY PUBLIC UNEASE ABOUT WHAT GOES ON IN POLICE INTERROGATION CELLS. AS IT HAD IN THE JOSEPH MDLULI CASE, THE NEWSPAPER CALLED FOR A JUDICIAL COMMISSION WHICH COULD PROBE EVIDENCE BEYOND THAT ADMISSIBLE IN AN ORDINARY INQUEST BEFORE MAGISTRATES.

4. COMMENT: HAFEEJEE THUS JOINS THE GROWING LINE OF DEATH IN DETENTION CASES ENDING ON AN UNSATISFACTORY NOTE. THE SENSATIONAL NUMBER OF ADDITIONAL INJURIES ATTRACTED WIDE INITIAL PUBLIC ATTENTION WHICH, HOWEVER, APPEARED TO BE DISTRACTED BY THE STATE'S EVIDENCE RE HAFEEJEE'S ALLEGED SUBVERSIVE ACTIONS. PRESS ATTENTION GIVEN THE END OF THE INQUEST WAS RELATIVELY MUCH MORE MUTED AND EDITORIAL REACTION (THUS FAR) RESTRICTED TO THE ITEM CITED ABOVE.
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FARBER

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